

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DANIEL O. RUFFIN,)	
)	
Plaintiff,)	
)	
v.)	CV-09-87-B-W
)	
BRUCE BRANN, et al.,)	
)	
Defendants.)	

**ORDER AFFIRMING THE RECOMMENDED
DECISION OF THE MAGISTRATE JUDGE**

No objection having been filed to the Magistrate Judge's Recommended Decision filed October 13, 2009, the Recommended Decision is accepted.

Accordingly, it is hereby ORDERED that the Motion to Dismiss (Docket #24) be and hereby is GRANTED and so much of the Complaint and the purported Amended Complaint is dismissed as alleges an official capacity claim against any defendant and the personal capacity claims against Brann, Magnusson, Merrill, Fowles, and Pease because the Complaint and the Complaint as amended fail to state a claim as to those five individuals.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 5th day of November, 2009